

PETER A. WALKER, ESQ.
 LORI M. MEYERS ESQ.
 SEYFARTH SHAW LLP
 620 Eighth Avenue
 New York, New York 10018-1405
 (212) 218-5500
 (212) 218-5526

Attorneys for Defendants

UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF NEW YORK

	:	ECF Case
ANGELO PENA, ROLANDO ROJAS, JOSE	:	
DIROCHE, and FRANKLIN SANTANA,	:	
individually and on behalf of others similarly	:	CIVIL ACTION NO.: 07-CV-7013 (RJH)
situated,	:	
	:	<u>AFFIDAVIT OF PETER A. WALKER</u>
Plaintiffs,	:	
	:	
v.	:	
	:	
SP PAYROLL, INC., NICHOLAS PARKING,	:	
CORP., IVY PARKING, CORP., BIENVENIDO,	:	
LLC, CASTLE PARKING CORP., SAGE	:	
PARKING CORP., and SAM PODOLAK,	:	
	:	
Defendants.	:	

STATE OF NEW YORK)
)
 COUNTY OF NEW YORK) s.s.:

PETER A. WALKER, being duly sworn, deposes and says:

1. I am a member of the law firm of Seyfarth Shaw LLP, attorneys for defendants SP Payroll, Inc. ("SP Payroll"), Nicholas Parking, Corp. ("Nicholas Parking"), Ivy Parking, Corp. ("Ivy Parking"), Bienvenido, LLC ("Bienvenido Parking"), Castle Parking Corp. ("Castle Parking"), and Sage Parking Corp. ("Sage Parking") and Sam Podolak ("Podolak") (collectively,

“Defendants”) in the above-captioned action. This affidavit is submitted in support of Defendants’ Fed. R. Civ. P. 56 motion for partial summary judgment.

2. Attached hereto as Exhibit A is a true and correct copy of the Complaint in the above-captioned action.

3. Attached hereto as Exhibit B is a true and correct copy of the Docket in the above-referenced action which was printed on July 11, 2008 and reveals which individuals have filed a consent to join this action and when such consents were filed.

4. Attached hereto as Exhibit C is a true and correct copy of the Defendants’ Answer to the original Complaint in the above-captioned action.

5. Attached hereto as Exhibit D is a true and correct copy of a letter to Mr. Faillace, dated February 13, 2008, which confirms a telephone conversation between myself and Mr. Faillace on February 12, 2008.

6. Attached hereto as Exhibit E is a true and correct copy of Plaintiff’s Proposed First Amended Complaint dated June 2008.

7. Attached hereto as Exhibit F is a true and correct copy of a letter which I wrote to Mr. Faillace dated July 3, 2008 with respect to the Proposed First Amended Complaint.

8. Attached hereto as Exhibit G are true and correct copies of the relevant pages of the transcript of the Deposition of Angelo Pena, taken on November 9, 2007.

9. Attached hereto as Exhibit H is a true and correct copy of a document regarding Defendants’ lunch policy signed by Angelo Pena.

10. Attached hereto as Exhibit I are true and correct copies of the relevant pages of the transcript of the Deposition of Rolando Rojas, taken on November 9, 2007.

11. Attached hereto as Exhibit J is a true and correct copy of a document regarding Defendants' lunch policy signed by Rolando Rojas.

12. Attached hereto as Exhibit K are true and correct copies of the relevant pages of the transcript of the Deposition of Jose Ramon Colon Diroche, taken on November 12, 2007.

13. Attached hereto as Exhibit L is a true and correct copy of a document regarding Defendants' lunch policy signed by Jose Diroche.

14. Attached hereto as Exhibit M are true and correct copies of the relevant pages of the transcript of the Deposition of Franklin Santana, taken on November 12, 2007.

15. Attached hereto as Exhibit N is a true and correct copy of a document regarding Defendants' lunch policy signed by Franklin Santana.

16. Attached hereto as Exhibit O are true and correct copies of the relevant pages of the transcript of the Deposition of Miguel Alcantara, taken on November 13, 2007.

17. Attached hereto as Exhibit P are true and correct copies of the relevant pages of the transcript of the Deposition of Luis Luna, taken on December 7, 2007.

18. Attached hereto as Exhibit Q is a true and correct copy of a document regarding Defendants' lunch policy signed by Luis Luna.

19. Attached hereto as Exhibit R is a true and correct copy of a settlement document signed by Patricio Gonzalez on September 10, 2007 in which he acknowledges that he has been paid in full and that Defendants do not owe him any money.

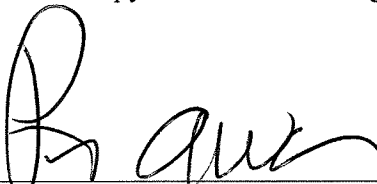
20. Attached hereto as Exhibit S is a true and correct copy of a document dated October 13, 2002 with an attachment which reveals that Mr. Alvarez was paid in full for all hours worked for the time period indicated on the document and the attachment.

21. Attached hereto as Exhibit T are true and correct copies of several of Mr. Alvarez's pay stubs, produced in discovery by Plaintiffs' counsel, in which Mr. Alvarez acknowledges that he was paid in cash in addition to his check.

22. Attached hereto as Exhibit U are true and correct copies of the relevant pages of the transcript of the Deposition of David Saperstein, taken on June 18, 2008.

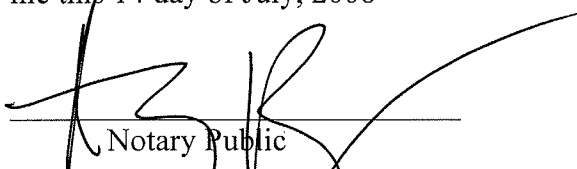
23. Attached hereto as Exhibit V is a true and correct copy of a document regarding Defendants' lunch policy signed by Edison Alvarez.

24. Attached hereto as Exhibit W is a true and correct copy of a document regarding Defendants' lunch policy signed by Miguel Rojas.



Peter A. Walker

Sworn to and subscribed before
me this 14 day of July, 2008



Notary Public
ALAYNA BALDANZA
NOTARY PUBLIC, STATE OF NEW YORK
NO. 01BA6103726
QUALIFIED IN QUEENS COUNTY
COMMISSION EXPIRES JANUARY 12, 2012